

REMARKS

Claims 1-3, 11, 13, 15-22, and 26-29 are now pending in the application. Claims 1, 3, 11, 13, and 15-17 are amended. New claims 26-29 are added. Claims 4-10, 12, 14, and 23-25 are cancelled without prejudice to the subject matter contained therein. These claims are cancelled for purposes of expediting prosecution and reducing excess claim fees. Applicant reserves the right to refile these cancelled claims and contest the rejections in a subsequent application.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWING OBJECTION

The drawings stand objected under 37 CFR 1.83(a) for not showing each and every feature of claim 7. The cancellation of claim 7 has rendered moot the objection to the drawings. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 17, 18, 20, and 22

Claims 17, 18, 20, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Koczi (U.S. Pat. No. 5,921,674). This rejection is respectfully traversed.

A review of the Koczi reference reveals that the control system may receive transmitted signals that are decoded and input to an operating circuit that operates the light sources. Koczi further discloses that the transmitted signal may be an infra red signal that is directed at part or all of the lighted hats in a stadium to illuminate the lighted hats.

With respect to independent claim 17, this claim has been amended to clarify that the controller is adapted to allow a user to input the particular indicia to be displayed by the display device. Koczi, however, does not disclose transmission of information to a headwear controller for display on a display device, where the controller is adapted to allow a user to input the particular information or indicia to be displayed by the display

device. Thus, Applicant believes that claim 17 is distinguished over Koczi for at least this reason, and is therefore allowable.

With regard to claims 18, 20 and 22, these claims each depend from independent base claim 17, which Applicant believes to be allowable. Therefore, Applicant respectfully submits that claims 18, 20, and 22 are also distinguished over Koczi and allowable for at least the reasons presented above in connection with claim 17.

Claims 6 and 8-10

Claims 6 and 8-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hanley (U.S. Pat. No. 6,733,150). Claim 6 also stands rejected under 35 U.S.C. § 102(e) as being anticipated by Polaire (U.S. Pat. No. 6,721,962). These rejections are respectfully traversed.

Claims 6 and 8-10 have been cancelled without prejudice. Accordingly, the rejections of claims 6 and 8-10 are moot.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1 and 2

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwasa et al. (Japanese Pat. No. JP 2001-11716). This rejection is respectfully traversed.

A review of the Iwasa reference reveals that the black light source on the bill transmits black light away from the bill towards a black light responsive insignia on the crown portion of the hat. The Iwasa black light source, however, is not enclosed within the bill. Plus, the Iwasa black light source does not direct black light to a black-light responsive portion at any location other than the crown portion.

With respect to independent claim 1, this claim has been amended to clarify that the at least one black-light light source is substantially enclosed within the bill such that black light is transmissible out of the bill through the black light-responsive portion of the bill. In one exemplary embodiment of the invention shown in Fig. 2, the bill 114 includes

a black light responsive portion 134, 136 and a black light source 116. The black light source 116 is substantially enclosed within the bill 114. The black light 117 is directed from within the bill 114 to the black light responsive portion 136 and/or 134 in the bill 114, such that black light is transmissible out of the bill 114 through the black light-responsive portion 134, 136.

Applicant submits that it would not have been an obvious design choice to enclose the black light source within the bill and direct black light through the interior of the bill to the black light responsive portion, because the black light responsive portion is both receptive of black light from within the bill and illuminated on the outside of the bill. For at least this reason, Applicant believes that claim 1 is distinguished over Iwasa, and is therefore allowable.

With regard to claim 2, this claim depends from independent base claim 1, which Applicant believes to be allowable. Thus, Applicant submits that claim 2 is also patentable over Iwasa for at least the reasons presented above.

Claims 3 and 4

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwasa et al. (Japanese Pat. No. JP 2001-11716) in view of Peng (U.S. Patent No. 5,510,961). This rejection is respectfully traversed.

Claim 3 depends from independent base claim 1, which Applicant believes to be allowable. Thus, Applicant submits that claim 3 is also patentable over Iwasa for at least the reasons presented above.

Claim 4 has been cancelled, thereby mooting the rejection of claim 4.

Claims 5, 6, and 12

Claims 5, 6, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whittaker (U.S. Patent No. 5,647,064) in view of DeMars (U.S. Patent No. 5,323,492). This rejection is respectfully traversed.

Claims 5, 6 and 12 have been cancelled, thereby mooting the rejection thereof.

Claim 7

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanley (U.S. Patent No. 6,733,150) in view of Ellman et al. (U.S. Patent No. 6,044,495). This rejection is respectfully traversed.

Claim 7 has been cancelled, thereby mooting the rejection thereof.

Claim 11

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanley (U.S. Patent No. 6,733,150) in view of Iwasa et al (Japanese Patent No. JP 2001-11716). This rejection is respectfully traversed.

At the outset, Applicant submits that the amendment to claim 11 has rendered moot the rejection of claim 11. Applicant further submits that claim 11 is patentably distinct over Hanley in view of Iwasa for at least the reasons set forth below.

Claim 11 requires a black light LED substantially enclosed within the bill for directing black light at a black light-responsive portion of a bill. Accordingly, the black light is directed from within the bill to the black light responsive portion of the bill, such that black light responsive portion is both receptive of black light from within the bill and illuminated on the outside of the bill. These features are not disclosed, taught, or even remotely suggested by Hanley in view of Iwasa.

For example, Iwasa light source is positioned on top of the bill not within the bill. Further, the Iwasa light source transmits light away from the bill towards a black light responsive insignia on the crown portion of the hat. Plus, the Iwasa light source does not direct light to a black-light responsive portion at any location other than the crown portion.

For at least these reasons, Applicant believes that claim 11 as is distinguished over Hanley, and is therefore allowable. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 11.

Claim 14

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Whittaker (U.S. Patent No. 5,647,064) in view of Otsuka (Japanese Patent No. JP 405151808A). This rejection is respectfully traversed.

Claim 14 has been cancelled, thereby mooting the rejection thereof.

Claims 19, 21, and 23-25

Claims 19, 21, and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koczi (U.S. Patent No. 5,921,674). This rejection is respectfully traversed.

With regard to claims 19 and 21, these claims depend from independent base claim 17, which Applicant believes to be allowable for at least the reasons stated above. Thus, Applicant submits that these claims are also patentable over Koczi, and are allowable for at least the reasons presented above.

Claims 23 through 25 have been cancelled such the rejection thereof is moot.

ALLOWABLE SUBJECT MATTER

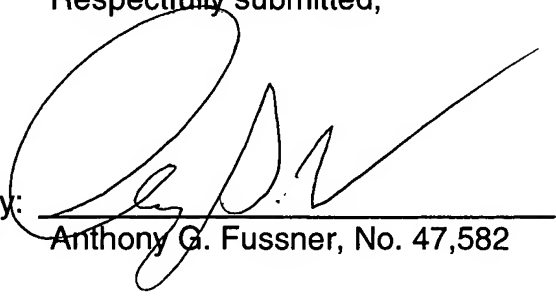
The Examiner states that claims 13, 15 and 16 would be allowable if rewritten in independent form. Accordingly, Applicant has rewritten claims 13, 15 and 16 into independent form to include the features of the base claim and any intervening claims. Therefore, claims 13, 15 and 16 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7502.

Respectfully submitted,

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